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AT SEATTLE
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WESTERN DISTRICT OF WASHINGTON DEPUTY



10-CV-00800-ORD

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDRE LEWIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Case No. C10-800-JLR
(CR06-360-JLR)

ORDER OF DISMISSAL

The Court, having reviewed Petitioner's motion to vacate his judgment and sentence brought under 28 U.S.C. § 2255 (Dkt. 1), the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, the objections of Petitioner and Respondent (Dkts 9 and 10) and the balance of the record, does hereby **ORDER**:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's Motion to vacate (Dkt. 1) is **DENIED** and is **DISMISSED** with prejudice;
- (3) In accordance with Rule 11(a) of the Rules Governing Section 2255 Cases in the United States District Courts, a certificate of appealability is **DENIED** with respect to both claims asserted by petitioner in his § 2255 motion.

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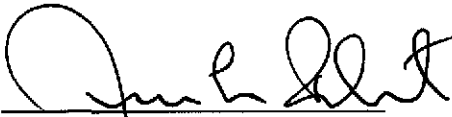
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ORDER OF DISMISSAL- 1

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1 (4) The Clerk of Court is directed to close the case and send copies of this Order to
2 petitioner and to Magistrate Judge Brain A. Tsuchida.

3 DATED this 2ND day of August, 2010.

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5 JAMES L. ROBART
6 United States District Judge
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